

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**VIRGINIA MENDEZ,**

**Plaintiff,**

**vs.**

**Civil No. 09-716 LH/RLP**

**MICHAEL J. ASTRUE**

**Commissioner of the Social Security Administration,**

**Defendant.**

**ORDER ADOPTING THE ANALYSIS AND RECOMMENDED DISPOSITION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AFFIRMING IN PART AND REVERSING IN PART  
THE DECISION OF THE COMMISSIONER OF SOCIAL SECURITY**

**THIS MATTER** comes before the Court on the Analysis and Recommended Disposition of the United States Magistrate Judge, filed on July 2, 2010. [Docket No. 25]. No party has filed objections thereto. The Court, having made a *de novo* review and a determination,

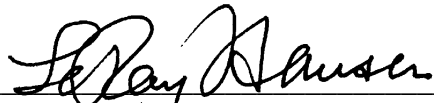
**FINDS:** That the Analysis and Recommended Disposition of the United States Magistrate Judge should be adopted.

**IT IS HEREBY ORDERED THAT:**

- (1) The Commissioner's findings at step two of the sequential evaluation process are affirmed.
- (2) The Commissioner's findings assessing Plaintiff's residual functional capacity are affirmed.
- (2) The Commissioner did not apply correct legal principles at step four of the sequential evaluation process, mandating remand.
  - (a) The Commissioner shall conduct additional proceedings, and shall apply and document the requirements of Social Security Ruling 82-62 to evaluate

Plaintiff's ability to return to her past relevant work. The Commissioner shall evaluate the physical and mental requirements of Plaintiff's past relevant work consistent with *Winfrey v. Chater*, 92 F.3d 1017 (10th Cir. 1996) and S.S.R. 96-8p, and shall document that assessment. In particular, the Commissioner shall determine whether that work could be defined as that of "Security Guard" as that occupation is generally performed in the national economy.

- (b) The Commissioner shall proceed to evaluation at step five of the sequential evaluation process if a determination not disabled cannot be made at step four.

  
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SENIOR UNITED STATES DISTRICT JUDGE